

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

FILED

## UNITED STATES DISTRICT COURT

for the

2019 DEC -5 P 4:57

District of

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Division

ARTHUR WITTENBERG  
WITTENBERG FAMILY TRUST, TRUSTEE  
FOR

HERNANDAZ, FELIPE NICOMEDEZ

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CHRISTOPHER MARSHALL, CFO  
MR. COOPER GROUP, INC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:19cv1539  
(to be filled in by the Clerk's Office)

LO/TCB

Jury Trial: (check one)

☐

Yes

☐

No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

ARTHUR WITTENBERG  
WITTENBERG FAMILY TRUST, TRUSTEE FOR  
HERNANDAZ, FELIPE-NICOMEDEZ

Street Address

909 BENSON TER.

City and County

SILVER SPRING, MD. 20901

State and Zip Code

Telephone Number

504-451-5170

E-mail Address

WITT@WITTENBERGFAMILYTRUST.COM

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name

CHRISTOPHER MARSHALL, CFO

Job or Title (if known)

MR. COOPER GROUP, INC.

Street Address

8950 CYPRESS WATER BOULEVARD

City and County

DALLAS

State and Zip Code

TEXAS 75019

Telephone Number

E-mail Address (if known)

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

- LAWFUL CONSIDERATION AND TENDER
- PURSUANT TO ARTICLE 1 § 10 CONSTITUTION of the UNITED STATE of AMERICA

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_ and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

LEGAL TENDER WAS GIVEN TO MR. COOPER GROUP, CFO CHRISTOPHER MARSHALL MONTHS AGO, BUT HE NEVER RETURNED THE NOTE AND SECURITY - INSTRUMENT NUMBERS 0658127089, AND 0596867246

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

DISCHARGE AND RETURN OF PROMISSORY NOTES

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: DECEMBER 5, 2019

Signature of Plaintiff

Printed Name of Plaintiff

*Felipe Hernandez* / WITTENBERG FAMILY TRUST, TRUSTEE  
FOR HERNANDEZ, FELIPE - NICOMEDEZ

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ DIVISION

\_\_\_\_\_  
Plaintiff(s),

v.

Civil Action Number: 19 W 1520

\_\_\_\_\_  
Defendant(s).

**LOCAL RULE 83.1(M) CERTIFICATION**

**I declare under penalty of perjury that:**

No attorney has prepared, or assisted in the preparation of CAMDEN.  
(Title of Document)

WITTENBERG FAMILY TRUST, TRUSTEE  
Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)

OR

The following attorney(s) prepared or assisted me in preparation of \_\_\_\_\_.  
(Title of Document)

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

\_\_\_\_\_  
(Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)

## Under Seal

Jurisdiction: a special cause arising under the constitution of the United States and laws of the United States original Judiciary Act of 1789 (1 Stat. 73), original exclusive jurisdiction of equity and co-ordinate and co-extensive to the forms, practice, mode and procedure of the federal equity rules of the United States 1912, and Supreme Court of the United States Rule 48.2.

## Chancery Division's Original Jurisdiction



## **civilian cover sheet**

*complainant*: sealed

defendant: sealed

county: prince william county

County/various: various

county where cause arose: prince william county

*Complainant(s)* is a private civilian of the united states of America, residing within a non-military occupied private estate in and of the several states, beneficiary to the national interest of the Virginia charter.

ex parte

district court of the united states register of chancery

special cause, special session

nature of an original bill of equity for declaratory, special, general, and  
injunctory relief to enforce express private trusts

Direct Judicial Power authorized by Article III and the laws of the United  
States conferred by The Judiciary Act of A.D. 1789 § 11, § 16, § 20, first  
congress session one.

extra & special term.

Nature of bill is extraordinary under judicial power, special and private,  
restricted, and confidential proprietary and privileged, not for publication

class action: no

dollar demand: no

jury demand: no



The Honorable Clerk and Master

district court of the united states for the eastern district of virginia  
prince william, virginia  
united states of america

dear clerk,

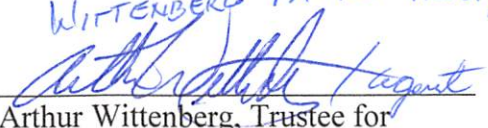
the suit included herewith is a special cause relating to evidence and documents of a private proprietary and confidential nature. i request the following special requirements by this honorable court be met in order to protect and preserve the ends of justice and the rights and interests of the parties to this suit:

1. grant suitor leave of the court to enter into the exclusive original jurisdiction of equity.
2. seal the cause on the register in chancery.
3. comment suit and proceed under seal, ex parte.
4. assign judge under authority of article III, §2, subd. 1 of this constitution for the united states of America.
5. schedule evidentiary hearing with judge in private chambers to enter private, proprietary evidence in support of the suit.
6. that the honorable court grant an immediate review determination.
7. issue process in the form of this court's subpoena.

the suit to be specially deposited on the record are included herewith as follows: 1) to enter into the original exclusive jurisdiction of this court and to seal ex parte, 2) original bill, 3) table of authorities, 4) law of the suit.

please contact me if i may be of any help to you or your staff. your prompt attention in this matter is greatly appreciated and i thank you in advance for your service in this cause.

yours truly,

WITTENBERG FAMILY TRUST, TRUSTEE  
  
Arthur Wittenberg, Trustee for  
Hernandez, Felipe-Nicomede  
Suitor  
c/o molly pitcher circle - one one nine zero two  
prince william, virginia  
united states of America.

*Emergency Special cause*

IN THE  
district court of the United States for the eastern district of virginia

i.

To the Honorable Mark Steven James, Chancellor, holding the Chancery Court

ii.

Hernandez, Felipe-Nicomede, civilian(s), complainant(s).

c/o molly pitcher circle - one one nine zero two, prince william, virginia, united States of America  
vs

Christopher Marshall, CFO

Mr. Cooper Group Inc

8950 Cypress Waters Boulevard Dallas, Texas 75019

iii.

BILL IN EQUITY (Gibsons §1042) under the authority of Article III section 2 subdivision 1 of the constitution of united States of America. The complainant(s) seeks extraordinary relief and invokes the court of Equity where matters of this and a similar nature are properly cognizable and receivable.

iv.

The complainant(s) Hernandez, Felipe-Nicomede is beneficially interested, private civilian(s), a Maryland national(s) (See Exhibit A), a private member of and heir to its posterity by virtue of my citizenship, residing within and upon a non-military occupied private estate. The “bill” that was accepted and conveyed by SPECIAL DEPOSIT is “*Deed of Trust – INSTRUMENT NUMBER 0658127089 PRINCIPAL AMOUNT OF \$257211.60 IN FAVOR OF MR COOPER GROUP INC*” including all securities, sureties, chattels, funds, assets and beneficial contracts on your balance sheet, jointly referred to as securities *pro tanto* in Equity.” (See Exhibit B)

iii.

- a. complainant(s) has a conflict of variance between rules of equity and rules of the common law,
- b. complainant(s) has their civilian right to account for the rents and profits to be applied to the debt and a reconveyance; and

- c. complainant(s) has their civilian right of the equity of redemption in Account #0658127089; the law governing this suit shall be under the jurisdiction of exclusive/inherent Equity and Maxims.

The complainant(s) respectfully shows to the Court:

**iv.**

The complainant's Name is held in trust and any misnomer or simile being compared to or treated as the same Name as that of the complainant's is a trespass against the beneficial interest the complaint holds and by such the complaint seeks an injunction against any and all collection activities of the defendant and that the defendant be estopped from proceeding further until they show what interest they hold in said Name and if any interest lies then by what privity their interest is higher than the complainant's and in regards to misnomers being used the complaint seeks an attachment of their beneficial interest to any and all misnomers being used by the defendant and that a receiver be appointed to hold all trust property until an accounting can be made on behalf of the complainant's equitable interests in these matters to further prevent including but not limited to any trespass of complainant's rights or property, loss of enjoyment or possession, or any other wrong known or unknown to the complainant.

**v.**

complainant(s) TENDERED silver coin to the Defendant on special deposit for credit on account for settlement and closure of the account, per Article I, Section 10 of the constitution of the united States of America in Exhibit C).

Defendant did not apply the legal tender properly and has rejected tender as shown in letter from Shapiro & Brown, LLP retained to enforcement of the deed of trust. (Exhibit D)

complainant(s) has exhausted constitutional due process efforts with the Defendant.

**vi.**

The complainant(s) therefore prays:

1<sup>st</sup>, That subpoena to answer issue against the defendant and that they be required to answer this bill fully;

2<sup>nd</sup>, that the defendant be restrained by injunction from any and all collection activity against complainant, without leave of your Honor;

3<sup>rd</sup>, that an attachment issue by order or decree of your Honor and levied against all the above described property of the defendant in which the complainant(s) holds an equitable interest;

4<sup>th</sup>, cancel a void or voidable note or other instrument that may be used in the future to complainant's detriment;

5<sup>th</sup>, remove clouds from complainant's title;

6<sup>th</sup>, where the complainant(s) is secondarily liable for any debt, he may bring their principal and the creditor into Court, and have a decree against their principal and themselves and in favor of the creditor for the debt, and if the creditor has any collateral security, or any lien of any sort, to secure such debt, the complainant(s) may have such collateral or lien applied to the payment of the debt and satisfaction of said decree;

**vi.**

7<sup>th</sup>, that the defendant be required on oath to make full, true, direct and perfect answer to all and singular the matters aforesaid, according to the best of their knowledge, remembrance, information and belief; and that they specially answer, and set forth, whether they or anyone else hold any interest in the name Arthur Wittenberg, Trustee for Hernandez, Felipe-Nicomede, what interest if any they hold, and what that privity is if any;

8<sup>th</sup>, that the defendant set forth in their answer, a full, true and particular account of all moneys received, collected, or in any way obtained, including but not limited to received by any guardian, administrator, partner, agent or trustee and that all the rents and profits received, or that might, by due diligence, have been received, from the property hereinabove described; and that the Master be ordered to take and state an account of all the dealings concerning the complainant's beneficial interests so as to show the full and true amount due complainant, by reason of the premises.

**vii.**

9<sup>th</sup>, The complainant(s) prays also for such further and other relief as the nature of their case may require.

**viii.**

arthur does makes oath that he is familiar with the facts and statements in their foregoing bill and that they are true to the best of their knowledge information and belief.  
Peacefully affirmed, declared, and done, in the light of this the fourth day of December, two thousand nineteen, i set my autograph and seal below in execution of the above:

*WITTENBERG FAMILY TRUST, TRUSTEE*  
Executed by: *Arthur Wittenberg*  
Arthur Wittenberg, Trustee for  
Hernandez, Felipe-Nicomede  
exclusive beneficiary and heir  
c/o molly pitcher circle - one one nine zero two  
noncommercial, nonresident, nondomestic

**ix. Jurat**

Subscribed and affirmed, or sworn to before me, this 5<sup>th</sup> day of December, 2019.

My Commission Expires: 8/15/2021

Notary Public

*Marcia Lee Alada Bailey*

MARCIA LEE ALADA BAILEY  
Notary Public-Maryland  
Baltimore County  
My Commission Expires  
August 15, 2021



*Ladda C. Walker*

1<sup>st</sup> Witness Signature

12-5-2019

Date

LADDA C. WALKER

1<sup>st</sup> Witness Name

*Anna Smith*

2<sup>nd</sup> Witness Signature

12-5-2019

Date

Anna Smith

2<sup>nd</sup> Witness Name



### Table of Authorities ("TOA")

The Bible New World Translation of the Holy Scriptures.

Equity Jurisprudence Vol. I-V 1905 By John Norton Pomeroy, Jr.

Suits In Chancery 2<sup>nd</sup> Edition 1907 By Henry R. Gibson.

A Practical Treatise On The Law Of Trusts Vol. I-II 8<sup>th</sup> Ed. 1888 By Frederick Albert Lewin.

A Treatise On The Law Of Trusts And Trustees, By Jairus Ware Perry 1872.

Gilbert Law Summaries: Trusts 13<sup>th</sup> Ed. 2007 By Edward C. Hallbach, Jr.

A Treatise On Conveyancing & The Law Of Merger, Vol. III By Richard Preston 1829.

Commentaries On Equity Pleadings 10<sup>th</sup> Ed. 1892 By Joseph Story.

Federal Procedure at Law 1908 C.L. Bates.

Federal Equity Procedure, Suits in Equity 1901 C.L. Bates

General Rules of the Supreme Court of the United States 1884 Samuel A. Blatchford.

### Laws of the Case

*Equity Regards Done What Ought To Be Done.*

*Equity Shall Not Suffer A Wrong To Be Without A Remedy.*

*Equity Acts Specifically, And Not By Way Of Compensation.*

*When Chancery Has Jurisdiction For One Purpose, It Will Take Jurisdiction For All Purposes.*

*Equity Delights In Equality.*

*Equity Imputes An Intent To Fulfill An Obligation.*

*Equity Delights To Do Complete Justice, And Not By Halves.*

*Equity Acts In Personam.*

*Equity Abhors A Forfeiture.*

*Equity Does Not Require An Idle Gesture.*

*Equity Shall Take Jurisdiction To Avoid A Multiplicity Of Suits.*

*Equity Follows The Law.*

*Equity Shall Not Allow A Statute To Be Used As A Cloak For Fraud.*

*Equity Will Undo What Fraud Has Done.*

*Equity Shall Not Allow A Trust To Fail For Want Of A Trustee.*

*Equity Looks To The Intent Rather Than To The Form.*

*Equity Requires Diligence, Clean Hands And Good Faith.*

*Equity Regards The Beneficiary As The Real Owner.*

*Equity Will Not Aid A Volunteer.*

*Equity Will Not Perfect An Imperfect Gift.*

*Equity Comes To The Aid Of The Legally Disabled.*

*Superior Equity Shall Always Prevail; Where There Are Equal Equities The Law Shall Prevail, Otherwise Priority Shall Prevail.*

*Haeredem Deus facit, non homo.* God and not man, make the heir.

*Haeres est eadem persona cum antecessore.* The heir is the same person with the ancestor.

*In restitutionem, non inpaenam haeres succedit.* The heir succeeds to the restitution not the penalty.

The heir and their ancestor are one and the same person. That is, one in right, the heir succeeding to the rights of their ancestor, just as the king never dies



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